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Co., 22 Id. 15; *Odlin v. Gove*, 41 Id. 473; *Corbett v. Norcross*, 35 Id. 99, 115; *Richardson v. Chickering*, 41 Id. 380, 385. Though I do not find that the precise point taken here for the plaintiff has been directly decided in any of our cases, yet the general current of our decisions on the subject tends to a liberal application of the doctrine for the suppression of fraud and dishonesty, and the promotion of justice and fair dealing. No disposition has been shown in the courts of this state to treat this equitable estoppel as odious, and embarrass its application by attempts to confine it within the limits of a narrow technical definition. We are content to follow where the spirit and general tone of these decisions lead: and they lead plainly to the conclusion, that, where a man makes a statement disclaiming his title to property, in a manner and under circumstances such as he must understand those who heard the statement would believe to be true, and if they had an interest in the subject, would act on as true, and one, using his own means of knowledge with due diligence, acts on the statement as true, the party who makes the statement cannot show that his representation was false, to the injury of the party who believed it to be true and acted on it as such; that he will be liable for the natural consequences of his representation, and cannot be heard to say that the party actually injured was not the one he meant to deceive, or, that his fraud did not take effect in the manner he intended.

Our conclusion is, that, on the facts which the verdict has established, the plaintiff was estopped to show his representation that the goods belonged to Charles E. Horn to be false, though he did not know that the defendant Cole had any demand against Charles E. Horn, and though he had not Cole in his mind as the party whom he meant to deceive.

Judgment on the verdict.

RECENT ACTS OF CONGRESS.¹

ATTORNEYS.—An act to prevent certain officers of the United States and Territories from practising as attorneys or solicitors in courts of the United States in certain cases. Approved January 16th 1873.

This act provides that no clerk, assistant or deputy clerk of any territorial, district or circuit court, or of the Court of Claims or the Supreme Court of the United States, or marshal or deputy marshal of the United States within the district for which he is appointed, shall act as solicitor, proctor, attorney or counsel in any case depending in either of said courts, or in any district for which he is acting as such officer, under penalty of being stricken from the roll, and if a marshal or deputy marshal, of dismissal from office.

ATTORNEYS—MEMBERS OF CONGRESS.—An act to amend an act entitled "An act relating to members of Congress, heads of Departments, and other officers of the Government," approved June 11th 1864. Approved January 16th 1873.

¹ We are indebted for this synopsis of recent legislation to Benjamin Vaughn Abbott, Esq., Commissioner to revise the United States Statutes.—ED. A. L. R.

The former law forbade any member of the Senate or House of Representatives, while in office, or any Departmental officer to receive, or agree to receive, any compensation for any services to any person in relation to any proceeding, claim, &c., or other matter or thing in which the United States is a party, or directly or indirectly interested before any department, court-martial, bureau officer, or any civil, military or naval commission whatever; and declared his doing so punishable by fine and imprisonment.

The new law extends the prohibition and penalty to delegates from the territories and District of Columbia.

BANKRUPTCY—CORPORATIONS.—An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States, approved March 2d 1867." Approved February 13th 1873.

This act declares "that whenever a corporation created by the laws of any state, whose business is carried on wholly within the state creating the same, and also any insurance company so created, whether all its business shall be carried on in such state or not, has had proceedings duly commenced against such corporation or company before the courts of such state for the purpose of winding up the affairs of such corporation or company, and dividing its assets ratably among its creditors, and lawfully among those entitled thereto, prior to proceedings having been commenced against such corporation or company under the bankrupt laws of the United States, any order made or that shall be made by such court, agreeably to the state law, for the ratable distribution or payment of any dividends of assets to the creditors of such corporation or company, while such state court shall remain actually or constructively in possession or control of the assets of such corporation or company, shall be deemed valid, notwithstanding proceedings in bankruptcy may have been commenced and be pending against such corporation or company."

BANKRUPTCY—EXEMPTIONS.—An act to declare the true intent and meaning of the act approved June 8th 1872, amendatory of the General Bankrupt Law. Approved March 3d 1873.

This act declares that it was the true intent and meaning of the act of June 8th 1872, that the exemptions allowed the bankrupt by the said amendatory act, shall be the amount allowed by the constitution and laws of each state, respectively, as existing in the year 1871; and that such exemptions be valid against debts contracted before the adoption and passage of such state constitution and laws, as well as those contracted after the same, and against liens by judgment or decree of any state court, any decision of any such court rendered since the adoption and passage of such constitution and laws to the contrary notwithstanding.

CONTESTED ELECTIONS.—An act supplemental to and amendatory of an act to prescribe the mode of obtaining evidence in cases of contested elections, approved February 19th 1851. Approved January 10th 1873.

Sections one and two prescribe the time within which testimony, in cases where a contest arises as to election of a Representative in Congress, may be taken, and authorize depositions of witnesses to be taken in the districts in which they reside. Sections three and four prescribe

the course of the examining officers anywhere throughout the United States in taking depositions and returning them.

CRUELTY TO ANIMALS.—An act to prevent cruelty to animals while in transit by railroad or other means of transportation within the United States. Approved March 3d 1873.

This act provides that no railroad company whose road forms any part of a line of road over which animals shall be conveyed from one state to another, or the owners or masters of steam, sailing, or other vessels, carrying animals from one state to another, shall confine them for a longer period than twenty-eight consecutive hours, without unloading for rest, water and feeding, for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes. In estimating such confinement the time during which the animals have been confined without such rest on connecting roads shall be included. Animals so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing then by the railroad company or owners or masters of boats or vessels transporting them, and they shall have a lien upon such animals for food, care and custody furnished. A penalty of not less than one hundred nor more than five hundred dollars is imposed. When animals are carried in cars, or vessels in which they have proper food, water, space, and opportunity for rest, they need not be unloaded. The penalty shall be recovered by civil action in the name of the United States, in the Circuit or District Court of the United States holden within the district where the violation is committed, or where the person or corporation resides or carries on business.

Any person or corporation entitled to a lien under the act may enforce the same by a petition filed in the District Court of the United States holden within the district where the food, care and custody shall have been furnished, or where the owner or custodian of the property resides; and the court shall have power to issue all suitable process for the enforcement of such lien by sale or otherwise, and to compel the payment of all costs, penalties, charges and expenses of proceedings under this act.

OBSCENE LITERATURE.—An act for the suppression of trade in and circulation of obscene literature and articles of immoral use. Approved March 3d 1873.

Section one of this act contains stringent provisions punishing by fine and imprisonment all dealings in or advertisements of obscene publications, articles of immoral use, medicine to prevent conception or cause abortion, &c., committed within the District of Columbia, the territories, or any other place within the exclusive jurisdiction of the United States.

Section two enlarges and extends the previous provisions of law relative to the transportation of any such articles through the mails; and section three prohibits their being imported through the custom-houses.

Section four imposes a punishment upon any officer, agent or employee of the United States who aids or abets any violation of the preceding provisions.

Section five authorizes search for, and destruction of any of the prohibited articles.

PENSIONS.—An act to revise, consolidate and amend the laws relating to pensions. Approved March 3d 1873.

This act enlarges and liberalizes the former acts, re-enacting nearly all former provisions, as well as extending many of them. Among the new provisions are the following: All pensioners who have lost a leg above the knee, and are so disabled thereby that they cannot use an artificial limb, shall be rated in the second class and receive \$24 per month; all who have lost the hearing of both ears receive \$13 per month. Section five provides that the rate of \$18 per month may be proportionately divided for any degree of disability established for which the second section makes no provision; the old law provides for no rate between \$8 and \$18 per month. In the organization of the pension bureau important changes are made. The new law provides for the appointment by the President of a Deputy Commissioner of Pensions, with a salary of \$2500 per annum. The efficiency of the bureau is also increased by the provision for the appointment of a duly qualified surgeon as medical referee, who shall have charge of the revision of reports of examining surgeons.

POST-OFFICE—FRANKING PRIVILEGE.—An act to abolish the franking privilege. Approved January 31st 1873.

POST-OFFICE—MAIL MATTER.—An act to amend the one hundred and thirty-third section of an act approved June 8th 1872, entitled "An act to revise, consolidate and amend the statutes relating to the Post-Office Department." Approved January 9th 1873.

The effect of this statute is to authorize the transmission by mail of packages of seeds, cuttings, bulbs, roots, and scions of any weight, for each package not exceeding four pounds, at a rate of postage of one cent for each two ounces or fractions of an ounce of such package.

By the previous law such packages sent through the mail could not exceed twelve ounces in weight.

PRACTICE—LETTERS ROGATORY.—An act to regulate the taking of testimony in certain cases. Approved March 3d 1873.

This act provides that no witness shall be compelled to testify "under letters rogatory, issued or to be issued from any court in any foreign country, in any suit or proceeding in which the government of such foreign country shall be a party of record or in interest, except for the purpose of answering specific written interrogatories issued with and accompanying such letters rogatory, and addressed to such witness: *Provided*, That when counsel for all the parties attend the examination, they may consent that questions in addition to those accompanying the letters rogatory may be put to the witness, unless the letters rogatory exclude such additional interrogatories." And no witness shall be required on examination under letters rogatory, to make any disclosure or discovery which shall tend to criminate him.

SHIPPING COMMISSIONER.—An act to amend section twelve of an act entitled "An act to authorize the appointment of shipping commissioners," &c., approved June 7th 1872. Approved January 15th 1873.

The act here referred to is the well-known act passed last year prescribing the general rule that seamen for merchant vessels, with certain

exceptions, should be shipped by an agreement in writing specifying certain terms and stipulations, and signed in the presence of a "shipping commissioner." The new act provides that the above requirement shall not apply to vessels when engaged in trade between the United States and the British North American possessions, or the West India islands, or the Republic of Mexico.

ABSTRACTS OF RECENT AMERICAN DECISIONS.

SUPREME COURT OF ILLINOIS.¹

SUPREME COURT OF INDIANA.²

COURT OF APPEALS OF MARYLAND.³

SUPREME JUDICIAL COURT OF NEW HAMPSHIRE.⁴

COURT OF CHANCERY OF NEW JERSEY.⁵

BILLS AND NOTES.

Alteration—Burden of Proof.—In an action on a note negotiable by the law merchant, where the defendant alleges an alteration of the note after he had signed it, if there be no indication of such alteration appearing on the face of the note, the burden of this issue is upon the defendant: *Meikel v. State Savings Institution*, 36 Ind.

Contract—Set-off—Estoppel.—When a promissory note negotiable under the statute is executed, and subsequently the payee of the note makes a written agreement that he will accept as payment upon the note any legal claims against him that the person who has executed the note may obtain: such agreement does not in any manner change the rights of the parties: *Goldthwait and Another v. Bradford*, 36 Ind.

After notice to the payor of an assignment of the note to a third party, he cannot by subsequent purchase of claims against the original payee of the note, entitle himself to a set-off against the holder: *Id.*

In a suit against the payee of a note to have the same declared paid, the complaint recited that the defendant "claimed that he had sold and assigned the said note and mortgage to" a third party, "whom plaintiff makes defendant hereto;" and said third party filed an answer, to which plaintiffs demurred, without moving to strike out the answer: *Held*, that plaintiffs were estopped from denying that the person so answering was a proper party defendant: *Id.*

CONFLICT OF LAWS. See *Contract*.

CONSTITUTIONAL LAW.

Criminal Law—Marriage between Whites and Blacks—Fourteenth

¹ From Hon. N. L. Freeman, Reporter; to appear in 57 Ills. Rep.

² From Jas. B. Black, Esq., Reporter; to appear in 36 Ind. Rep.

³ From J. S. Stockett, Esq., Reporter; to appear in 36 Md. Rep.

⁴ From J. M. Shirley, Esq. Reporter; to appear in 51 N. H. Rep.

⁵ From C. E. Green, Esq., Reporter; to appear in vol. 8 of his Reports.